

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
CLERKS OFFICE  
2004 SEP 29 P 2:20  
U.S. DISTRICT COURT  
DISTRICT OF MASS.  
C.A. No. 04-11014 NMG

TOUCHPOINT SOLUTIONS, INC.,

Plaintiff,

vs.

EASTMAN KODAK COMPANY,

Defendant.

**DEFENDANT EASTMAN KODAK COMPANY'S ASSENTED-TO  
MOTION TO SEAL AND IMPOUND ITS OPPOSITION TO  
PLAINTIFF TOUCHPOINT SOLUTIONS, INC.'S  
APPLICATION FOR PRELIMINARY INJUNCTIVE RELIEF**

Pursuant to Local Rule 7.2, Defendant Eastman Kodak Company ("Kodak") respectfully requests that this Court seal and impound its Opposition to Plaintiff TouchPoint Solutions, Inc.'s *Application for Preliminary Injunctive Relief*, as well as all the supporting documentation, exhibits and affidavits attached thereto. In support of this motion, Kodak states the following:

- (1) Plaintiff TouchPoint Solutions, Inc. ("TouchPoint") has assented to this motion.
- (2) Kodak's opposition papers refer to and discuss information and documents that has been designated by the parties as "Confidential" or "Highly Confidential".<sup>1</sup>
- (3) Reference to the material designated by the parties as confidential is necessary for Kodak to fully present its argument to the Court in response to TouchPoint's motion seeking injunctive relief.

WHEREFORE, Kodak respectfully requests that this Court:

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<sup>1</sup> The parties have agreed to a protective order designating and defining matters of confidentiality.

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- (i) Enter an order to impound and seal Kodak's Opposition to Plaintiff TouchPoint Solutions, Inc.'s *Application for Preliminary Injunctive Relief*, as well as the supporting documentation, exhibits and affidavits attached thereto.
- (ii) Grant such other or further relief as is just and appropriate.

EASTMAN KODAK COMPANY,

By its attorneys,



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DATED: September 29, 2004